

THE SIGNIFICANCE OF RECENT INVESTIGATIONS FOR THE CRIMINAL LAW AND ADMINISTRATION OF CRIMINAL JUSTICE

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After the disclosures made by recent investigations of crime, there can be little doubt of the existence of criminal syndicates and organized criminal gangs of great wealth and power in our large cities. Their wealth is drawn largely from the operation of many different forms of gambling enterprises. But huge sums of money are also obtained from the sale and distribution of narcotics, from commercialized prostitution, from various forms of business and labor racketeering, from usury and extortion, from black market enterprises, and from any racket "wherever there is a fast buck to be made." In addition, one of the most disturbing developments in recent criminal history is the fact that great wealth is accumulated by modern criminal gangs and syndicates and individual gangsters and racketeers through investment and infiltration into legitimate business enterprises. Racketeers have been entering legitimate business with the funds derived from illegal enterprises, both as a front for criminal rackets, and as a genuine investment and depository for their illegally obtained funds.

The Accardo-Guzik-Fischetti syndicate with headquarters in Chicago and the Costello-Adonis-Lansky syndicate with headquarters in New York were designated by the Senate Committee to Investigate Crime in Interstate Commerce (hereinafter referred to as the Senate Committee) as the two major criminal organizations of this country. Both crime syndicates have far-flung operations across the country. Evidence of the operations of the Chicago syndicate was found in such places as Chicago, Kansas City, Dallas, Miami, Las Vegas, and the West Coast. Evidence of the operations of the New York syndicate was found in such places as New York City, Saratoga, Bergen County (New Jersey), New Orleans, Miami, Havana, Las Vegas, and the West Coast.

The exact relationship between these two major crime syndicates and other organized criminal gangs is not clear. There are close

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personal, financial and business relationships between the two syndicates and their leaders and with individual top gangsters and criminal gangs throughout the country. Individual criminal enterprises are frequently shared by gangs from different parts of the country. In addition, a major part of the work of intimidating victims, silencing informers, killing off potential witnesses and "enforcing" is done by arrangement or contract with outside gangs.

The basic question, however, is whether the arrangements for profit or for homicide between different gangs and gangsters are in response to a centralized direction and control or represent individual contracts between independent entrepreneurs. In other words, is there an overall governing group for organized crime in this country?

The Senate Committee was of the opinion that the Mafia is the binder which ties together the two major criminal syndicates as well as numerous other criminal groups throughout the country.¹ The Mafia is an organization of Sicilian origin which specializes in the sale and distribution of narcotics and in gambling, prostitution, and other rackets based on extortion and violence. Turkus and Feder, however, in their book *Murder, Inc.*, are of the opinion that the Mafia was purged some twenty years ago and that the top governing agency of American crime is a national syndicate which is set up under a board of directors who dictate all policy.² The top gangsters and racketeers of the country are the members of the board of directors. Along with the board of directors, the mob lords provided for a kangaroo court made up of the bosses themselves which serves as the judicial branch of the government, with irrevocable power of life and death.³ Since the origin of this syndicate in 1934, there has been no killing of a gang boss that was not "sanctioned, approved and in fact, directed by the gang lords of the nation. That goes from Dutch Schultz in 1935 to Charley Binaggio in 1950."⁴

Monopoly of operation is one of the major reasons why criminal gangs and syndicates are able to make such tremendous sums out of illegal activities. These monopolies are obtained by intimidation, violence and murder. Frequently law enforcement officials have aided and protected gangsters and racketeers in maintaining their monopolistic position in particular rackets. Instead of enforcing the law equally against violations, wherever found, these corrupt officials have used

1. SEN. REP. NO. 141, 82d Cong., 1st Sess. 11 (1951); SEN. REP. NO. 307, 82d Cong., 1st Sess. 2 (1951).

2. TURKUS & FEDER, *MURDER, INC.* 80-89 (1951).

3. *Id.* at XII, XIV, 96-101.

4. *Id.* at 101.

the powers of the law to break up the rackets of rival, unprotected offenders, while leaving the operations of protected criminals severely alone. In this way the semblance of law enforcement activity is maintained—even though its net result is profit to entrenched organized crime.

The operations of organized criminal gangs are directed by hoodlums who are well known to law enforcement agencies and the general public, and these hoodlums have usually been arrested and convicted numerous times in their youth and during their apprenticeship in crime. But once they scaled the top echelons of organized crime, they have remained largely immune from prosecution and punishment for their criminal enterprises. Minor members of their gangs or their criminal organizations may occasionally be convicted and punished. But it is rare to see prison doors close on a top gangster.

The key to the relative immunity of individual gang chiefs and to the failure to break up the operations of organized crime is found largely in what the Senate Committee called "the fix." This takes many different forms. Most flagrant and blatant is the protection money which is paid directly to law enforcement officials. This type of protection or fix may be found wherever gambling enterprises or houses of prostitution are running wide open. It is typified by the \$1,000,000 a year which Harry Gross allegedly paid to police officials in Brooklyn to leave his bookmaking operations alone. The paralysis of law enforcement for the benefit of favored racketeers has been the road to wealth and easy living for police officers, sheriffs, and other law enforcement agents the country over.

Not only are direct payments made to law enforcement officials for the purpose of protecting organized crime, but contributions are also made to political organizations and party leaders who are in a position to dictate law enforcement policies. As Turkus and Feder have indicated, to insure their criminal operations, the top gangsters "arranged for the interchangeable use of each mob's contacts."⁵ These connections are developed indiscriminately in both political parties, wherever it is likely to do the most good. The Costello-Adonis influence on the politics of New York City and the Binaggio influence in Kansas City are typical of attempts by organized crime to shelter their operations behind sources of political power.

The far-flung operations of criminal gangs and syndicates across state lines and the great political and economic power which they command require radical departures from existing methods of en-

5. *Id.* at 102.

forcing the criminal law if substantial progress is to be made in the control of organized crime. These departures are necessary in existing federal and state relationships in the field of crime control, in the organization of state administrative agencies and jurisdictions which deal with crime, and in our substantive laws and criminal procedures. In the following pages we shall analyze some of the major necessary changes.

FEDERAL ACTION

1. There must be an extension of jurisdiction of the Federal Government over crime.

It becomes apparent as one studies the present operations of criminal gangs and syndicates that there must be a greater extension of the jurisdiction of the Federal Government over crime than heretofore. This is not the first time that this need has been felt. Beginning with the year 1890 when Congress made it a criminal offense to deposit lottery matter in the United States mails,⁶ many federal statutes have been passed which bring the power of the Federal Government to bear upon organized crime.

Outstanding among such statutes are the prohibition against transporting women across state lines for purposes of prostitution or debauchery;⁷ the prohibition against transporting liquor into dry states;⁸ the prohibition against using the mails to defraud or obtain property by false pretenses;⁹ the prohibition against transporting stolen automobiles and stolen cattle across state lines;¹⁰ the prohibition against transporting stolen articles, securities or monies across state lines or receiving such goods, securities or monies knowing them to have been stolen;¹¹ the prohibition against robberies of Federal Reserve Banks, or banks organized under federal laws;¹² the prohibition against transmitting in the mail, or in interstate commerce, threatening communications, ransom notes, kidnapping threats, etc.;¹³ the prohibition against fugitive felons and witnesses using the instrumentality of interstate commerce or transportation;¹⁴ the prohibition against in-

6. 18 U.S.C. § 1302 (Supp. 1951).

7. 18 U.S.C. § 2421 (Supp. 1951).

8. 18 U.S.C. § 1262 (Supp. 1951).

9. 18 U.S.C. § 1341 (Supp. 1951).

10. 18 U.S.C. §§ 2312 and 2316 (Supp. 1951).

11. 18 U.S.C. §§ 2314 and 2315 (Supp. 1951).

12. 18 U.S.C. § 2113 (Supp. 1951).

13. 18 U.S.C. § 875 (Supp. 1951).

14. 18 U.S.C. § 1073 (Supp. 1951).

terfering with interstate commerce by robbery, extortion or threats of violence (racketeering);¹⁵ the prohibition against purchasing, selling, dispensing, or distributing narcotic drugs upon which tax stamps have not been affixed;¹⁶ the prohibition against transporting slot machines in interstate commerce.¹⁷

Statutes such as these make it possible for federal law enforcement agencies to render vital assistance to the states in dealing with many phases of organized criminality. But present-day investigations into organized crime indicate that even greater extensions of federal jurisdiction are necessary. The following are the major areas where extension of federal jurisdiction is required:

Prohibiting the transmission of gambling information across state lines. In all parts of the country gambling has become big business; its profits are major sources of revenue for organized crime. Gambling is vitally dependent upon the use of interstate communication facilities. Wire services use the leased wires of the Western Union to transmit up-to-the-minute news about horse races, dog races, and other sporting events to bookmakers, horse rooms and betting commissioners all over the country. This wire service performs a function for the bookmaker similar to that of the ticker tape for stockbrokers. The wire service makes it possible for bookmakers to operate as businessmen with an assured margin of profit, rather than as gamblers. It is so vital to bookmaking operations, that the price of the wire service is normally whatever the traffic will bear. The wire service to bookmakers is a monopoly which, according to the Third Interim Report of the Senate Committee, at critical times and in crucial places, yields to the domination and control of the Accardo-Guzik-Fischetti crime syndicate. This domination and control makes it possible for the aforementioned crime syndicate to share in bookmaking profits all over the country.¹⁸

A number of states have attempted to prohibit the intrastate transmission of gambling information. In Pennsylvania, for example, it is unlawful for any public utility knowingly to furnish to any person any private wire for use in the dissemination of information in furtherance of gambling.¹⁹ Florida has enacted a statute similar in scope to that of Pennsylvania.²⁰ In Texas it is criminal knowingly to furnish

15. 18 U.S.C. § 1951 (Supp. 1951).

16. INT. REV. CODE § 2553 *et seq.*

17. Pub. L. No. 906, 81st Cong., 2d Sess. (Jan. 2, 1951).

18. SEN. REP. No. 307, 82d Cong., 1st Sess. 150-151 (1951).

19. PA. STAT. ANN. tit. 66, §§ 1702-1710 (Purdon 1941).

20. FLA. STAT. ANN. c. 25016, § 365.01 *et seq.* (Supp. 1949).

telephone, telegraph, teletype or teleprinter or radio service or equipment on any property used for bookmaking or assisting in the violation of the bookmaking statute.²¹ The Public Utilities Commission of California, after finding that successful bookmaking cannot be conducted without access to wire services or telephone facilities, ordered all communication facilities operating under its jurisdiction to refuse to establish service or to discontinue service already granted wherever the company had reason to believe that such services were used in violation of the law.²²

Unfortunately, state action in and of itself is not sufficient to halt the dissemination of gambling information by the use of telephone and telegraph facilities. When the operators of the wire services are driven out of any particular state they arrange by various subterfuges to transmit the information from outside the state. It is for that reason that federal action is vital. The California Crime Study Commission felt that if a rule were adopted by the Federal Communications Commission applicable to the whole country, similar to the one adopted by the California Public Utilities Commission, a major blow would be struck against organized crime and racketeers. "It would destroy the wire service and with it the bookmaking monopoly which is based on it. It would reduce bookmaking from a major racket of national scope to a petty nuisance of local significance."²³

After a thorough investigation of the problem of the wire services, the Committee on Interstate and Foreign Commerce submitted a Report and a bill sponsored by Senator Johnson of California, designed to prohibit the transmission of information pertaining to horse or dog racing before the actual start of a race, by any interstate communication facility.²⁴ Unfortunately this bill did not pass. It died with the 81st Congress and was not reintroduced into the 82d. This bill therefore followed its many predecessors into the limbo of forgotten legislation. As early as 1909, a Senate committee heard a reformed bookmaker claim that bookmaking as big business would be wiped out if the Federal Government would prohibit certain types of sports and racing news over interstate communication facilities. Many bills have been introduced into Congress in the past 40 years to achieve this objective. None have passed.

21. TEX. PEN. CODE ANN. art. 652a, § 5 (1938).

22. CALIFORNIA SPECIAL CRIME STUDY COMMISSION ON ORGANIZED CRIME, SECOND PROGRESS REPORT 22 (1949).

23. *Id.* at 27.

24. SEN. REP. No. 1752, 81st Cong., 2d Sess. (1950), popularly known as the "McFarland Report," accompanying S. 3358, 81st Cong., 2d Sess. (1950).

The Senate Committee, mindful of the objections to prior bills, attempted to achieve the result of shutting off the supply of sports news for illegal purposes by means of a license system to be administered by the Federal Communications Commission. The bill which it proposed provided:²⁵

(1) A license was to be required before anyone could transmit sports and racing news over any facility of interstate commerce or communications.

(2) Licenses should be refused by the Federal Communications Commission, or revoked where granted, where it was shown that the information transmitted would be or was being used for illegal gambling purposes. Licenses could also be refused by the Federal Communications Commission where it was shown that the clients of any applicant were using the news for illegal purposes.

At the present writing it does not seem likely that this bill will be enacted into law, despite the fact that it is backed by the Senate Committee and by the American Bar Association Commission on Organized Crime. The Federal Communications Commission is opposed to it and would prefer a bill like the Johnson Bill, which would throw the burden of enforcement on the Department of Justice and the U. S. Attorneys in the several districts. The Department of Justice, on the other hand, favors the Senate Committee bill which would place the burden of enforcement upon the F. C. C. While both agencies vie with each other to pass the buck, effective legislation to control one of the basic activities of organized crime is impossible.

A prohibition against the transmission of bets and wagers and the transportation of gambling devices across state lines. Modern gambling is a large interstate enterprise. Many bookmakers have their customers in one state and their headquarters in another. Frank Erickson's operations in a New Jersey suburb after having been driven out of New York City are typical. In addition, there is a tremendous amount of lay-off betting among bookmakers across state lines. Large scale bookmaking cannot be carried on without the use of telephone and telegraph facilities to lay off bets and to take other measures to guard against overexpansion in particular wagers. Nevertheless there is no federal legislation which bars the use of interstate communication facilities for the transmission of bets and wagers. The bet may be illegal in the state from which it is sent and illegal in the state in which it is received; yet federal law does not bar its transmission.

25. S. 1563, 82d Cong., 1st Sess. (1951).

Nor does federal law bar the use of the facilities of interstate commerce to many forms of gambling devices which are used by mobsters to amass huge profits, such as punch boards and roulette wheels. Even the interstate transportation of slot machines was not completely barred by the statute passed last year. The term "slot machine" in this statute was too narrowly defined, and simply stirred the ingenuity of manufacturers to produce a machine that did not fit the statutory definition. Several such machines appeared a short time after the law was enacted. What is needed is general federal legislation barring the facilities of interstate commerce to any device designed primarily for use in connection with gambling.

A bill sponsored by the Senate Committee helps to eliminate the aforementioned lacunae in federal legislation.²⁶ It prohibits the transmission by telegraph, telephone or radio of any bet or wager or any payment for any bet or wager. It also bars the facilities of interstate commerce to roulette wheels and any other devices "designed and manufactured primarily for use in connection with gambling."

If this bill is passed, considerable restraint will have to be exercised by federal law enforcement agencies. The bill broadens federal jurisdiction to the point where F. B. I. agents may be put to work chasing petty local bookmakers and horseplayers who telephone bets across state lines. It therefore presents a problem similar to that involved in the prohibition of the transportation of women across state lines for immoral purposes. Since the Caminetti case, this statute, which was intended to break up the commercialized traffic in women, has permitted the Federal prosecution of any man who runs off for a pleasant weekend, across a state line, with a woman who is not his wife.

But while the instant bill makes it possible for federal law enforcement agents to catch minnows, it also provides them with the tools for hauling in the big fish of gambling—the Mooneys, the Carrolls, the Ericksons, the Mickey Cohens, the Sidney Brodsons. The Guarantee Finance Company of California or the S & G syndicate of Florida would have far more difficulty carrying on bookmaking operations if the above-mentioned bill were passed and became law.

Prohibition against using the instrumentalities of interstate commerce in the planning and perpetration of homicides. The power of organized crime rests essentially on what is known as "muscle." The ultimate in "muscle" is murder, deliberate killings for a specific purpose, deliberately planned and just as deliberately carried out. Or-

26. S. 1624, 82d Cong., 1st Sess. (1951).

ganized crime has made extensive use of homicide as a means of silencing informers or potential witnesses, intimidating victims, eliminating competitors, and violators of gang mandates.

Local police departments have been singularly unsuccessful in solving homicides arising out of the activities of organized crime. This is due in part to the fact that many of these homicides are committed by out-of-state gunmen on contract. Local police departments do not usually have the facilities to operate outside the state in order to make investigations which might lead to the apprehension of out-of-state murderers. In Tampa, for example, which has a bloody record of gangland killings and unsolved homicides, the police chief testified that he had only \$200.00 available in the travel fund of the police department. Nor do local police departments have the data about potential out-of-state killers which might serve as a starting point for the investigation of particular homicides.

In general, there is a disinclination on the part of local police departments to do much to solve gang killings, unless the victim happens to be a non-gangster. "Good riddance" expresses the attitude of many policemen when a man known to have been engaged in criminal activities is killed by his associates or competitors in crime.

The failure on the part of local police departments to be more effective in gang killings is unfortunate. These killings in large measure are engineered by the top echelons of organized crime, who work without regard to the jurisdictional limits of city or state lines.

Since so much gangland homicide is organized on an interstate basis, methods of combatting it should be similarly organized. The Federal Bureau of Investigation may have the best files on American criminals and the best technical equipment in the country for scientific criminal investigation, but they are of no value in the solution of a gang killing if they are not used. Whether or not they will be used to aid in the solution of any particular homicide depends upon the attitude of local law enforcement officials. Frequently such officials are hostile to the intervention of any outside agency. To call in the F. B. I., they feel, is a confession of failure on their part.

In our opinion, the use of the facilities of the Federal Government to combat interstate homicide requires passage of a statute making it a federal offense to use the facilities of interstate commerce or interstate communication in the planning or perpetration of a homicide. Such a statute would give F. B. I. agents a legal standing in the investigation of gangland killings committed by out-of-state killers. They would not be present in an investigation at the sufferance of local law

enforcement authorities. Such a statute would also make it possible for the F. B. I. to organize to meet this burden on a national basis. Such organization is lacking at the present time.

It should be noted that § 1073 of the present U. S. Criminal Code makes it a federal offense to move or travel "in interstate or foreign commerce with intent either to avoid prosecution, or custody, or confinement after conviction . . . for murder" This statute appears to be directed at a person who becomes a fugitive from a state *after* a prosecution is already started. The statute we propose would not wait for prosecution to be started. It would make criminal the planning and the perpetration of murder through the use of the facilities of interstate commerce or communication. This would lay the foundation for adequate organization on the part of the Federal Government to deal with interstate homicide.

2. The Federal Government must revitalize its tax collection methods in order to compel racketeers and gangsters to pay their taxes.

One of the basic reasons why organized crime has become such a menace in this country is that it commands tremendous financial resources obtained from illegitimate as well as legitimate enterprises. These enterprises do not pay a fair share of their taxes. Gangsters and racketeers have been singularly successful in flouting tax laws. The Second Interim Report of the Senate Committee pointed out that "gangsters, mobsters and gamblers are literally getting away with murder in their tax returns," and that "many, if not all, of the returns submitted for the gamblers and gangsters are fraudulent, and that the Government is losing huge sums in tax revenue from the illegal ventures run by them."

The remedy for such conditions is not found in such spectacular measures as the statute requiring gamblers to register with the Government and to pay over 10% of their income. Nor will the four tax bills sponsored by the Senate Committee necessarily eliminate these conditions, though there can be no question about the fact that they are needed and should be passed.²⁷ What is required most is simple

27. These bills, introduced into the 82d Cong., 1st Sess. (1951) are:

S. 1529, which would require both legal and illegal gambling houses to keep detailed records of wagering transactions.

S. 1531, which would require taxpayers to retain income tax records for a period of seven years instead of the present five-year limit.

S. 1532, which would disallow any deductions for any expenses "paid or incurred in or as a result of illegal wagering."

S. 1660, which would require anyone who made over \$2500 from an unlawful trade, business, or transaction, to file net worth statements.

honesty and integrity in the administration of the tax laws, and vision, energy and efficiency in their application to persons engaged in criminal enterprises. One can not expect the T. Lamar Caudles adequately to enforce tax laws against gangsters, racketeers and gamblers. Nor can tax laws be enforced by collectors who, like those in California, sold immunity from a too careful scrutiny of tax returns if taxpayers bought worthless mining stock owned by the collectors. Facts such as these explain why "there never has been a racketeer, hoodlum or gangster of first rank importance convicted of income tax fraud in California."²⁸

Procedures for compelling the personnel of organized crime to pay taxes can be easily devised. A list of known criminals must be established throughout the country and their tax returns given special attention. Such a list was furnished to the Senate Committee at the beginning of its investigations into organized crime. A similar list, with names solicited from law enforcement agencies throughout the country and kept continually up to date, must be the basis for action by the tax authorities. The returns of individuals on this list must be given special attention by specially trained agents who are versed in the *modus operandi* of gangsters, racketeers, and gamblers, as well as in tax matters.

Only through special administrative devices of this character and a willingness to enforce the tax laws impartially will it be possible to compel the personnel of organized crime to disgorge their illgotten gains to the Government in the form of taxes. Since money is the key to power in the underworld as elsewhere, reducing the amount of money available to underworld characters through adequate enforcement of income tax laws reduces pro tanto their threat to our political, social and economic institutions.

3. *The Federal Government must establish adequate machinery for coordinating the efforts of its various agencies in the field of crime.*

There are many different federal agencies concerned with the repression of different types of interstate crime. One of the major handicaps to adequate law enforcement in the field of organized crime has been the failure of the agencies to work together, exchange information, and coordinate their activities in such fashion that the maximum pressure can be brought against organized interstate criminality. Agencies, even within the same department, tend to work in-

28. CALIFORNIA SPECIAL CRIME STUDY COMMISSION ON ORGANIZED CRIME, FINAL REPORT 39 *et seq.* (1950).

dependently of each other and jealously guard information that they have accumulated. The administrative inefficiency resulting from this condition is well summarized in a communication from Daniel P. Sullivan of the Crime Commission of Greater Miami.

"The Federal Government today exercises wide jurisdiction in the field of crime. Federal jurisdiction, however, is split up into numberless segments. Enforcement rests in many separate and independent federal investigative agencies. Violations involving tax laws, banking law, interstate crime, and underwriting of financial loans are investigated by separate independent agencies of Government. Each agency has periodic drives in the enforcement of certain phases of the federal jurisdiction, but as one agency grows hot other agencies are cold. As a result, the full jurisdiction of the Federal Government is never applied against any individual or combination of individuals at one time. The Treasury Department, for instance, has a nominal coordinator, but, as a matter of fact, the different treasury agencies handling narcotics, counterfeiting, customs violations, income tax violations, and alcohol tax violations operate independently, do not coordinate and frequently will not cooperate. This is a fact to which I can personally testify. Cooperation between the various treasury agencies and the FBI is even more strikingly lacking. Each federal investigative agency jealously holds in its own files valuable criminal data concerning nationally known criminal figures and nationally known criminal syndicates. To my mind, the tide of gangsterism, which has been steadily rising for the past fifteen years, has been possible because of these conditions existing within our national Government.

"It appears to me that when a criminal becomes a national figure in crime, there should be a power or combination of powers within the federal structure to knock him down by applying the full and coordinated resources of the Federal Government against him."

It is not easy to answer the question how it might be possible to eliminate inter-agency jealousy and friction and substitute therefor coordination and cooperation. The Third Interim Report of the Senate Committee recommended a Federal Crime Commission, one of whose functions would be to maintain liason between federal investigative and law enforcement agencies. But this notion has not been well received. Senator Wiley, for example, felt that such an agency would unnecessarily harass and interfere with federal investigative agencies.²⁹ Mr. Sullivan suggests the appointment of a coordinator for the various agencies. As he points out:

29. SEN. REP. No. 307, 82d Cong., 1st Sess. 9 (1951).

"The President of the United States already has the power and authority to direct the activities of all executive departments . . . Each executive department head, however, is interested in keeping his skirts clean in his own limited field. There is no individual or agency in Government to survey the whole field, follow the trend in crime and report these findings to the President. That vacuum could be filled by a coordinator or coordinating council appointed by the President and reporting to the President with sufficient authority to compel the heads of each executive department to confer with this coordinating agency on the extent of crime, the trend in crime, ways and means whereby the various agencies can coordinate, exchange criminal data, and in some cases, pool manpower in major investigations."

Whether the job of bringing the full powers of federal law enforcement agencies to bear upon organized crime should be done by a Federal Crime Commission, a single coordinator, a coordinating council or some other agency, is one of the unsolved problems of federal criminal law.

STATE ACTION

Improvements in federal criminal law and in the administrative processes of the Federal Government are necessary if the interstate and syndicated aspects of organized crime are to be curbed. But problems of organized crime cannot be solved merely by passing them on to the Federal Government. The states have a vital responsibility for the control of organized crime. The operation of "carpet" or "sawdust" gambling casinos, lottery enterprises, bookmaking rackets or the numbers game, the distribution of slot machines, the peddling of narcotics, the running of houses of prostitution, the looting of union treasuries, the carrying on of usury, extortion, or kickback rackets, the commission of gang killings, are all violations of state criminal laws. The inefficiency of state and local agencies in enforcing existing criminal laws, the imperfections and defects of these laws and the procedures by which they are enforced, have contributed greatly to the growth of organized crime. Radical changes are therefore necessary in the organization and operation of state and local law enforcement agencies and in the criminal law and criminal procedures of the various states if substantial progress is to be made in curbing organized crime. In the following pages we shall present some of the major changes which are necessary to improve methods of dealing with organized crime at the state and local levels of government.

1. *Law enforcement units must be consolidated.*

We have had a genius for pushing shibboleths to absurd limits in politics and public administration. One of the shibboleths which has fashioned our law enforcement agencies and is basically responsible for much of their inefficiency is the notion of local home rule. It is to this concept that we owe the thousands of independent, small, unimpressive police departments scattered in cities, towns and villages throughout the country. There are approximately 40,000 police agencies in this country. At least 90% of them employ less than two dozen men. There are hundreds of small local prosecuting attorneys' offices manned by a prosecutor alone or a prosecutor and an assistant. There are also a great number of inferior local courts, inferior in jurisdiction, quality, and performance, manned by part-time judges whose major interests are in some other field. Each of these agencies is beset by the same general problems. Their size and the area of their jurisdiction are such that they cannot support the trained full-time personnel necessary to deal efficiently with organized crime. The independence of each law enforcement unit is a barrier to the adoption of uniform law enforcement policies and the maintenance of adequate standards of efficiency in dealing with organized crime. The existence of large numbers of independent law enforcement agencies multiplies the possibilities that racketeers, gangsters and gamblers will find some law enforcement agency, somewhere in the territory in which they wish to operate, which for a consideration will turn a blind eye to their violations of the criminal law.

When an active district attorney made it difficult for big bookmakers to operate in Manhattan, they found a haven across the river in New Jersey where they prospered. In New Orleans an unsympathetic mayor drove the gamblers to find greener pastures in the parishes outside the city. An energetic executive like Lausche, when he was mayor, first drove the gamblers out of Cleveland and into the neighboring Ohio counties. When he became Governor, the same gambling groups transferred their activities to the Newport-Covington area of Kentucky.

Cooperation between law enforcement agencies, which is vital in bringing the full power of the law to bear upon organized crime, is enormously complicated by the existence of large numbers of independent law enforcement agencies in the same territory. Insistence on local home rule in connection with the establishment of law enforcement agencies has resulted in what might be called the atomization of law enforcement. The situation in Los Angeles County is typical of such

atomization and of its devastating effects upon the efficiency of law enforcement. The County of Los Angeles, an area of over 4,000 square miles with approximately 4,000,000 inhabitants, has 45 independent police agencies as well as the police of the sheriff's department. The attitude of these various police agencies toward law enforcement has been described as follows:

The police department administrators "do not all have the same attitude and policies toward law enforcement . . . There is considerable jealousy and criticism of one another among these agencies which does not contribute to good general cooperation. There are some outstanding examples of good cooperation between a few small groups of agencies, but unfortunately, there are a greater number of agencies not cooperating with one another . . . The situation is particularly deplorable because the geographical locations of the agencies' jurisdictions are so intertwined in many cases."³⁰

With respect to the courts in Los Angeles County, the California Crime Study Commission has found that there are about 75 inferior courts or divisions of these courts handling criminal cases. "There are city courts, police courts, class A and B justice Courts, and municipal courts in the county handling criminal cases . . . There are overlaps of territory and of subject matter by these courts. Many of these courts are presided over by laymen engaged in outside business or by lawyers engaged in private practice. There is a lack of uniformity in the selection of these judges and in their qualifications and salaries . . . There seem to be almost as many interpretations of the criminal laws as there are judges in these courts."³¹

The first major task of any state government that is desirous of improving its methods of dealing with organized crime is to overcome this atomization and diffusion of law enforcement responsibilities. There must be consolidation of law enforcement agencies along adequate territorial and jurisdictional lines. Efficient police work in any metropolitan area is impossible if the area is policed by a congeries of independent police agencies, each with its own standards and ideas concerning law enforcement. Nor can adequate judicial administration be expected from large numbers of independent, inferior, part-time courts spread throughout a particular area without plan.

30. CALIFORNIA SPECIAL CRIME STUDY COMMISSION ON ORGANIZED CRIME, THIRD PROGRESS REPORT 71 (1950), quoting study of Los Angeles County made by it in 1949.

31. *Id.* at 72.

While prosecuting attorneys' offices usually have a larger territorial jurisdiction than either police departments or courts, their organization has also been found to be defective in a recent survey:

"As long as the County is used as a basis of prosecution, we shall continue to have a large number of prosecuting offices throughout the country, poorly equipped, manned by inexperienced, poorly paid prosecutors who devote a major part of their time to their own law practice or their own business and political interests. The counties of smaller population do not have the resources to provide elaborate prosecutorial offices."³²

This study favors the abolition of the county as the basis of jurisdiction for prosecutorial offices and the division of the state into a limited number of districts of roughly equal population, with a prosecuting office attached to each district.

It should be noted that only the barest beginnings have been made in the field of consolidation of law enforcement agencies with a view to improving their efficiency. Years of agitation for consolidation of police departments in metropolitan areas has produced such agencies as the county police department in Arlington, Virginia, where all the policing for the county is done by a single integrated force under a police chief responsible directly to a county manager. But elsewhere there has been little consolidation of police forces. "The idea of a completely integrated modern sole enforcement unit for the county has been little favored," states the author of a recent survey of police administration, Col. Earle W. Garrett. "Cities and villages cling to the police service which they know they can control even though such police service is far less efficient than what might be had from a consolidated, integrated police agency."³³ Similarly, court consolidation, while it has been much talked about, has few concrete achievements to its credit.

Confronted with the universal atomization of law enforcement agencies, their failure to cooperate in dealing with organized crime, and their general inefficiency, the Senate Committee stated in its Third Interim Report:

"The Committee cannot find the answers to the problems which local organization of law enforcement present with the data presently available. The patterns of local law enforcement are

32. PLOSCOWE & SPIERO, *THE PROSECUTING ATTORNEY'S OFFICE AND THE CONTROL OF ORGANIZED CRIME* §6 (unpublished report prepared for the American Bar Association Commission on Organized Crime, 1951).

33. GARRETT, *THE POLICE AND ORGANIZED CRIME* 7 (unpublished report prepared for the American Bar Association Commission on Organized Crime, 1951).

deeply embedded in the Constitutions and Laws of the several States. They were evolved at a time when conditions of life were much simpler and when crime conditions were not as complex as they are today. They require a thorough overhauling and a thorough re-examination in the light of what is required to combat present day syndicated and organized crime. The several states cannot hope to control jet plane criminality by the horse and buggy methods evolved in the early nineteenth century."³⁴

The Committee therefore recommended that each state make an overall survey of law enforcement agencies "with a view toward bringing about greater cooperation between agencies, greater centralization of responsibility for law enforcement of the criminal law, and greater efficiency."³⁵ Such a survey is a vital prerequisite to the consolidation of law enforcement agencies. It can provide the data for the planning of law enforcement agencies on a state-wide basis instead of relying on the traditional atomized approach of providing law enforcement as an incident to the home rule needs of villages, towns, cities and counties.

2. *Law enforcement agencies must be staffed by professional personnel.*

The need for carefully selected and trained professional personnel has been clearly recognized in many different branches of government and administration. As the functions of government have become more complex, the Jacksonian tradition of amateur public service, of the fitness of any individual to hold any public job, has tended to disintegrate. More and more public departments have come to be staffed by persons chosen upon the basis of fitness, character and training, who are interested in making a profession of their public jobs.

Law enforcement, however, is still one of the strongholds of the tradition of amateur public service. Methods of recruiting and training police officers have made some progress throughout the country since the First World War. Nevertheless, a recent study of police administration notes that methods of selecting police personnel throughout the country are generally defective. "In enforcement units all over the land," writes Garrett, "recruiting and testing practices fail to bring to the service . . . those men with the physical ability and learning capacity which modern police standards require."³⁶ Adequate police training, moreover, "is the exception rather than the rule, even in forces of considerable size . . . Small forces, meaning 90% or more of all law enforcement units in this country, cannot afford a

34. SEN. REP. NO. 307, 82d Cong., 1st Sess. 27 (1951).

35. *Ibid.*

36. GARRETT, *op. cit. supra* note 33, at 21.

permanent, adequate, independent training program. Training of a sort is given almost everywhere, but too often it is only lip service." ³⁷ Thus, the first line of defense against crime, the police department, is manned by inadequately selected, inadequately trained personnel.

The professional personnel, adequately trained for the task it must do and dedicated to a career in public service, is also largely absent from prosecuting attorneys' offices throughout the country. Generally the law requires no qualifications for the office of prosecuting attorney, beyond the license to practice law. This has caused one study to note that "In practically the entire country any attorney who is practicing or attempting to practice, however inexperienced or incompetent he may be, is eligible to hold the office of prosecuting attorney for his locality." ³⁸ Smaller prosecuting offices throughout the country are manned in large part by youngsters who are fresh out of law school. The part-time prosecutor who devotes a considerable part of his day to his own private law practice or business affairs is a characteristic feature of American law enforcement. In the larger metropolitan offices, the political selection of prosecutorial assistants and the frequent turnover because of the vagaries of popular election make of the prosecuting attorney a "bird of passage." As one study put it, "nowhere is the prosecutor's office regarded as a career in and of itself. It is usually regarded as a way station until something better comes along. The result is that even the larger metropolitan prosecuting offices, where problems of crime and law enforcement are most complex, may be manned by inexperienced, untrained personnel." ³⁹

The traditions of amateur, part-time law enforcement are even stronger in the courts. Large numbers of inferior local courts are still manned throughout the country by the grocers, gas station operators, real estate men and representatives of other occupations who are part-time justices of the peace. Even where the appointment of lawyers to inferior local courts is required, there are few courts that require judges to give full time to their judicial duties. The part-time judge with outside interests and an outside occupation is a characteristic feature of American judicial organization. Election for short terms has also made him to a considerable degree a bird of passage, an individual with a sometime interest in law enforcement.

The need for a professional, full-time judiciary is stated in a recent study of the inferior criminal courts: "The day is long past

37. GARRETT, *op. cit. supra* note 33, at 25.

38. Baker and DeLong, *The Prosecuting Attorney: Provisions of Law Organizing the Office*, 23 J. CRIM. L. & CRIMINOLOGY 936, 939 (1932-1933).

39. PLOSCOWE & SPIERO, *op. cit. supra* note 32, § 2.

when the complex problems of modern living can be handled by untrained lay justices of the peace, or even part-time lawyer judges."⁴⁰ This study went on to suggest that inferior court judges might be recruited by competitive examination so that judges "might come to be chosen for their knowledge of criminal law, criminology, psychology, social work and human behavior, rather than for their abilities as tax or estate lawyers, or because they have political connections and are owed political debts."⁴¹

The problem of providing trained career personnel in the various echelons of law enforcement who would make a career of law enforcement is tied up with the problem of consolidation of law enforcement agencies. Larger units of law enforcement could insist on high standards of personnel selection and could pay commensurate salaries to trained men—salaries beyond the reach of smaller units. Larger units of law enforcement could also provide the promotional opportunities which are necessary if public service is to be a career. Larger units can also support the thorough training programs which are necessary if men are to be adequately taught the job they must do in law enforcement. So long as law enforcement agencies depend upon untrained, inexperienced and temporary personnel, little progress is to be expected in dealing with crime.

3. *The state must exercise greater supervision over the law enforcement process.*

In large measure, the state has abdicated its functions in law enforcement. The laws which are enforced by police, prosecutors and courts are state laws. But their enforcement is left to the myriad of independent local law enforcement agencies, without adequate power anywhere to insist upon the maintenance of decent standards of enforcement and cooperation or the adoption of uniform law enforcement policies. The result is clearly indicated in the Senate Committee Report:

"The Committee has been impressed by the failure of independent, local units of law enforcement to work together harmoniously to eliminate gambling and racketeering conditions from their communities. In metropolitan areas, there usually are large numbers of independent city, town and village police forces which work together or refuse to cooperate as they please. The sheriff of the county operates independently of other law enforcement agencies and frequently pursues law enforcement policies diametrically opposed to theirs. The district attorney or the State's

40. Ploscowe, *The Inferior Criminal Courts*, 25 N.Y.U.L.Q. REV. 42, 54 (1950).

41. *Id.* at 54-55.

Attorney sometimes works with and sometimes against both the police and the sheriff. Exactly who is responsible for what in the law enforcement field is frequently a matter of conjecture and dispute"⁴²

"There is no centralized direction or control and no centralized responsibility for seeing that a single law enforcement policy is applied over the entire geographic area of a county. The situation lends itself to buck passing and evasion of responsibility It makes it possible for hoodlums to find those towns and cities where law enforcement is lax and to concentrate their operations there."⁴³

These conditions are due in large measure to the failure of the state to set up any unit to supervise the activities of local law enforcement agencies. In the field of criminal prosecution neither the governor nor the attorney general, nor any other state official has any very effective control over how the local prosecutor enforces statutes passed by the state legislature. The local prosecuting attorney, who was historically the assistant of the attorney general, is now largely independent of him. The attorney general may have common law powers in some states and may be able to supersede a local prosecutor in any investigation or prosecution. The governor may also have the power to order the local prosecutor superseded. However, these powers are used only in emergency situations. They are no substitute for the routine administrative supervision of a centralized state agency interested in the maintenance of uniform standards of law enforcement efficiency.

In the field of police work, state police which are not mere highway patrols but which have general law enforcement powers exist in about half the states. These state police organizations were set up generally to meet the need of rural areas for better police protection than they could supply themselves out of their meager financial resources and their sparse population. These forces were not organized to provide any central supervision over local police forces. As a matter of fact, state police officials are hesitant to interfere with local home rule and to act in cities or other areas where uniformed police exist, even though they may have the power to do so. Even the development of centralized state services in the field of criminal investigation, criminal identification, records and statistics has been hampered by the devotion to local home rule. As a result "a variety of investigation, identification and records units have been established

42. See note 34 *supra*.

43. *Id.* at 183.

in the various states to provide central services in the enforcement field, but so decentralized in authority and so deficient in personnel as to be seriously impaired in performing their designated functions." ⁴⁴

In our opinion, one of the basic means for improving the enforcement of the criminal law in the various states is to establish state departments of criminal justice to reassert the state's primary authority over law enforcement. Such a department should not be established under the jurisdiction of the attorney general whose "criminal law powers and duties are entirely incidental to the non-criminal activities which constitute the bulk of the responsibilities of the office." ⁴⁵

The department of criminal justice should be headed by an official who is appointed by and directly responsible to the governor. Such a department should have a number of different functions. Its major function would be the establishment of uniform law enforcement policies throughout the state and the elimination of areas of the state where certain laws, such as those relating to liquor, prostitution and gambling, are simply not enforced. Such a department should have routine powers of supervision over the work of local prosecuting officers, the right to prescribe standards of investigation and prosecution, and the power to enforce adherence to such standards.

In the police field, a state department of criminal justice should likewise have many different functions. It should be a major factor in getting police departments to work together. It should prescribe standards for the recruitment of police officers and for personnel practices and salary scales throughout the state. It should prescribe standards for police training and organize regional or state training schools for police officers. It should make periodic inspections of local police forces with a view to improving their efficiency. It might administer a state subvention system designed to induce local police departments to come up to standards set by the department. The department of criminal justice should also operate the state-wide system of criminal identification and the necessary laboratories for scientific criminal investigation and prescribe the records and statistics which must be kept by local police departments.

It is obvious that only through some such agency as the state department of criminal justice will it be possible to give direction, strength and unity to the efforts of various law enforcement agencies to deal with crime.

44. GARRETT, *op. cit. supra* note 33, at 16.

45. Baker and DeLong, *supra* note 38, at 397.

4. *Each state should re-examine its gambling laws and decide whether to legalize any form of gambling or to continue a prohibition against all forms of gambling.*

Public opinion is sharply divided with respect to the prohibition against gambling. This division of opinion is taken advantage of by law enforcement officials who justify their failure to enforce the law in their communities by the assertion that the inhabitants favor a "wide open" town. Although this assertion, made many times at the Senate Committee hearings in city after city, was in many cases simply a cover for the personally profitable activities of these officials in regard to gambling, it is apparent that a considerable segment of our population does not believe that gambling should be prohibited. Many highly respected citizens are included among them. The American Catholic Philosophers Association passed a resolution at their annual meeting last year stating that gambling is not in itself immoral. Luther Gulick, an outstanding student of public administration, concludes, "It has long been evident that part of our difficulty now in the United States in dealing with gambling arises from the strains set up by two conflicting streams of ethical culture, one British-Puritanical and one Central European. Our professions and our practices are not in harmony. Under the circumstances, a strain is thrown on our enforcement machinery which is more than it alone can neutralize."⁴⁶ Again and again officials before the Senate Committee complained that sentences imposed by courts upon gamblers were too light to be effective because judges could not be made to see that the conduct involved was of serious consequence to the community. Recently, the New York City Council passed a resolution urging the amendment of the state law to permit a municipal lottery to raise revenue for the city.

Thus, there is no complete public satisfaction with the Senate Committee fiat against the legalization of gambling, summed up in its statement that the Committee has not seen any workable proposal for controlled gambling which would eliminate the gangsters, and that gambling "historically has been associated with cheating and corruption."⁴⁷ The Royal Commission Report on Gambling in England, where the betting commissioner is apparently a respected member of the community, raises the question as to why gambling must necessarily be the property of the criminal element in the United States if that is not so in England.

46. Gulick, Letter to the Editor, N. Y. Times, April 1, 1951, p. 8E, col. 5.

47. SEN. REP. No. 307, 82d Cong., 1st Sess. 3 (1951).

The recent series of articles in the New York Times on gambling in other countries has also demonstrated that elsewhere gambling and gangsterism are not necessarily synonymous, that certain forms of gambling are legal and go on without serious social consequences.⁴⁸ Yet the author of these articles takes care to point out that the fact that legalized gambling operating under licenses works in other countries does not ipso facto mean it would work here.⁴⁹

Facts such as these would seem to require a reappraisal and re-examination of the entire subject of gambling by state legislatures. The legislatures must determine how far the citizens of their state wish to go in the repression of gambling. Do a majority of the citizens favor the legalization of any form of gambling or do they favor the forthright prohibition of all forms of gambling?

It is doubtful that any state will follow the example of Nevada and legalize all forms of gambling. Many prohibitions against gambling will therefore continue to remain on the statute books. In that event, the legislatures must decide whether the gambling statutes are sufficiently effective to provide for the repression of the particular gambling activity sought to be prohibited.

5. *State legislatures should revise gambling laws so that they deal realistically with modern methods of conducting gambling enterprises.*

Many law enforcement officials testified before the Senate Committee that the gambling laws were defective. This statement was frequently made by corrupt officials who were advancing plausible excuses for their own inaction. However there is considerable merit to the contention. This is apparent from an analysis of the gambling laws made for the Commission on Organized Crime of the American Bar Association.⁵⁰ This analysis reveals the following:

A. Only a little over half of the states have specific bookmaking statutes. These were devised primarily to deal with older types of open bookmaking and not the modern clandestine forms which use all modern means of communication. The attempt to suppress bookmaking in states without specific statutes through general prohibitions

48. See the articles on gambling by Meyer Berger which appeared in installments daily, from December 3d to December 7th, 1951, in the New York Times.

49. Berger, N. Y. Times, Dec. 3, 1951, p. 4, col. 1.

50. BAUMAN & KING, A CRITICAL ANALYSIS OF THE GAMBLING LAWS, (unpublished report prepared for the American Bar Association Commission on Organized Crime, 1951), summarized in REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON ORGANIZED CRIME 18-21 (1951).

against wagering, betting or professional gamblers, fails to take into account the special mechanics and special problems involved in book-making operation. Penalties for violating bookmaking and anti-gambling statutes are either too low or are nullified through the suspension of sentences, and in general amount to a quasi-license to continue operations.

B. Lottery statutes are too broad and too general in character, and are used for widely variegated situations. They fail to provide adequately for specific types of lotteries exploited by organized crime such as punchboards, the "numbers" game and slot machines. They are ineffective in dealing with such phases of lottery operations as the printing, transportation and possession of lottery tickets or the manufacture or possession of punchboards, slot machines, etc.

C. Only five states have specific legislation against the policy or numbers game, a lucrative racket carried on by organized crime. Effective suppression of the numbers game is impossible without a prohibition against the possession of policy numbers or policy slips which is lacking in the statutes of most states.

D. Law enforcement agencies are placed under serious handicaps in attempting to eliminate slot machines because specific prohibitions against manufacturing, transporting, keeping and possessing slot machines do not exist in the laws of many states.

E. Many state statutes prohibiting the maintenance of places for gambling are defective. They fail to reach all persons concerned in the operation of gambling establishments, particularly where the latter are operated as corporate ventures. They also fail to provide for revocation of food and liquor licenses in establishments used for gambling. Nor do they provide penalties against law enforcement officials who are aware of the existence of gambling establishments, yet do nothing to suppress them.

It is apparent that substantial changes must be made in the gambling laws if they are to be effective instruments of law enforcement. This was recognized by the American Bar Association, which at its last meeting authorized its Commission on Organized Crime "to draft model statutes which will serve as guides for the enactment of more effective state gambling laws." Work on such statutes is presently under way.

6. *The states must revise their sentencing practices so as to make it possible to keep dangerous offenders incarcerated for long periods.*

The data of the Senate Committee indicates clearly that our criminal law has been extraordinarily ineffective in dealing with habitual and professional criminals. Many leading racketeers and gangsters were in the past "small time" hoodlums. As such they had frequent conflict with the law. Nevertheless the law has not curbed their activities. This was noted by Professor Paul Tappan, who has pointed out that:

"A study of criminal careers reveals the fact that conflicts with the law have been a relatively frequent occurrence for the personnel of criminal gangs. Individual gangsters may even be imprisoned from time to time. The overall picture, however, is one of extraordinary ineffectiveness of the law in incarcerating these individuals for sufficiently long periods to provide adequate protection for the public. Our sentencing laws apparently do not nip criminal careers in the bud."⁵¹

As a result of the growth of gang activities during the Prohibition era, many states passed so-called habitual offender statutes, modeled along the lines of the famed Baumes Laws of New York. These statutes are based on the concept of imposing long sentences up to life on third and fourth felony offenders. A study of these laws by Professor Tappan indicates that they do not offer much hope for dealing with the personnel of organized crime.

"In the first place, these laws do not cover large areas of gang activity. A considerable part of organized criminal activity is concerned with violations of the gambling laws and laws against commercialized vice. These are primarily misdemeanors rather than felonies. The habitual offender laws are in the main directed against repetitive felonies and not misdemeanors.

"Secondly, even where mobsters do commit felonies, the application of the habitual offender laws is hampered by strict, rigid, and artificial interpretations by the courts. Judges, prosecutors, and juries are frequently of the opinion that the statutes are too harsh. Mandatory provisions are therefore treated as discretionary. The almost universal practice of prosecutors bargaining for pleas of guilty also leads to a virtual nullification of the

51. TAPPAN, HABITUAL OFFENDER LAWS AND SENTENCING PRACTICES IN RELATION TO ORGANIZED CRIME (unpublished report prepared for the American Bar Association Commission on Organized Crime, 1951), summarized in REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON ORGANIZED CRIME 21-24 (1951).

habitual offender laws. They are 'such effective tools for bargaining that offenders with prior records are easily induced to plead to a lesser offense rather than run a risk of a life sentence.' This leads one to believe that hardened criminals obtain profit from the recidivist legislation The desire to secure convictions for the record results very commonly . . . in the practice of accepting pleas to crimes that are not covered by the recidivist laws. This means that while the laws are a convenient tool in the prosecutor's hands, they do not accomplish the intended purpose but lead instead in the direction of shorter sentences for the repeater."

It is quite apparent that the traditional type of habitual offender legislation which graduates sentences according to the number of convictions is not very effective in dealing with the personnel of organized crime. Obviously, where such legislation is on the books, it should be used against habitual and professional criminals. The latter should not be permitted to evade the application of these laws by the mechanism of taking pleas to lesser offenses. Here is one area where the supervisory procedures of a state department of criminal justice might be effective. Habitual and professional criminals should be tried for the crimes they commit and should, if found guilty, be sentenced to the maximums provided by law. It should not be possible for a Joe Adonis, one of the leaders of the Eastern crime syndicate, to plead "non vult" to gambling indictments carrying maximum sentences up to 18 years and receive a 2-3 year prison sentence.

The American Bar Association Commission on Organized Crime suggests the following remedies for the ineffectiveness of traditional habitual offender legislation in curbing criminal careers:

"In the opinion of the Commission, the objectives of the traditional habitual offender legislation can be achieved far more satisfactorily through indeterminate sentence laws and parole systems. The indeterminate sentence laws must provide long maximum sentences for the types of offenses engaged in by organized mobsters. The parole system must provide for a proper administration of such laws through a sufficient number of trained parole officers and expert, professional parole boards. An adequate parole system will make it possible to distinguish between the dangerous professional criminal and the ordinary type of offender. An indeterminate sentence law with long maximums will make it possible to keep the dangerous offenders in custody so long as necessary for the protection of the community."⁵²

52. REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON ORGANIZED CRIME 24 (1951).

CONCLUSION

It is obvious that there are no simple panaceas for the problem of organized crime. We believe, however, that the recognition of its threat to our social, political and economic institutions, will compel many of the changes that we have suggested. The American people cannot permit themselves to be engulfed by a rising tide of organized crime.